

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

CHARLES ROBERT TAYLOR,)

Plaintiff,)

v.)

Case No. CIV-22-41-GLJ

KILOLO KIJAKAZI,)

Acting Commissioner of the Social)

Security Administration,)

Defendant.)

**OPINION AND ORDER AWARDING
ATTORNEY’S FEES TO THE PLAINTIFF UNDER THE EAJA**

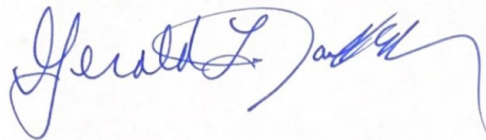
Plaintiff Charles Robert Taylor was the prevailing party in this action under the Social Security Act. Plaintiff originally sought an award of attorney’s fees in the amount of \$8,074.85 for 33.8 hours of attorney work and 5.4 hours of paralegal work, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Docket No. 39 & Ex. 1]. The Commissioner subsequently filed a “Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA)” [Docket No. 42], indicating that the parties have agreed to an award of fees in the amount of \$7,500.00, a reduction of fees in the amount of \$574.85.

Upon review of the record herein, the Court finds that the agreed amount is reasonable and that the Commissioner should be ordered to pay it to the Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States

fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that the Plaintiff’s Motion for Attorney Fees Pursuant to the Equal Access to Justice Act and Motion for Award of Court Costs¹ [Docket No. 39] is hereby GRANTED IN PART, to the extent that the Government is hereby ordered to pay the agreed-upon \$7,500.00 fee award to the Plaintiff as the prevailing party herein. The Government’s “Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA)” [Docket No. 42] is therefore GRANTED. IT IS FURTHER ORDERED that if the Plaintiff’s attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to the Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 12thth day of July, 2023.



GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE

¹ Plaintiff did not request an award of costs as part of the prayer for relief, and the Court notes that Plaintiff was granted in forma pauperis status, waiving the filing fee in this case.